

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALAN WILLIS, Individually and on Behalf of)	No. 2:12-cv-00604-MHW-NMK
All Others Similarly Situated,)	
Plaintiff,)	<u>CLASS ACTION</u>
vs.)	
BIG LOTS, INC., et al.,)	
Defendants.)	
_____)	

DECLARATION OF BRIAN K. MURPHY IN SUPPORT OF OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT

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Lead Counsel for Plaintiff

[Additional counsel appear on signature page.]

I, BRIAN K. MURPHY, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of Ohio.

I am a member of the law firm of Murray Murphy Moul + Basil LLP, one of the counsel of record for plaintiff in the above-entitled action. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: Retirement and Consulting Agreement by and Among Big Lots, Inc., Big Lots Stores, Inc. and Steven S. Fishman, signed Apr. 29, 2013;

Exhibit B: Excerpt of Exhibit 99-1, Big Lots, Inc. Press Release to Form 8-K, dated Dec. 2, 2011;

Exhibit C: Excerpt of Exhibit 99-1, Big Lots, Inc. Press Release to Form 8-K, dated Mar. 3, 2011;

Exhibit D: Excerpt of Exhibit 99-1, Big Lots, Inc. Press Release to Form 8-K, dated Mar. 3, 2010; and

Exhibit E: Excerpt of Big Lots, Inc. Schedule 14A filed Apr. 10, 2012.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct. Executed this June 5, 2013, at Columbus, Ohio

s/ BRIAN K. MURPHY
BRIAN K. MURPHY

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 5, 2013.

s/ JOSEPH F. MURRAY

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Mailing Information for a Case 2:12-cv-00604-MHW-NMK

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